IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTIETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and
THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO: 12497 of 2004

Between:

1 The Inspr. Genl. of police, Greyhounds, AP., Hyderabad.
2 The Director General & Inspector General of police, Saifabad,

Hyderabad, A.P.
3 Govt.of A.P.rep.by Prl.Secretary, Finance & Planning

Dept.,Secretariat, Hyderabad.

..... PETITIONERS

AND

1 P.Subramanya Devara, Assault Commander, Greyhounds,
R/o.plot No.304, Vindha III, Jai Bharathi Gardens, Moosapet,

Hyderabad.
2 B.Balanarsimha Reddy, Assault Commander,Greyhounds,
R/o.plot NO.35, Navodaya Colony,
Yellareddiguda, Hyderabad.
3 S.Krishna Prasad, Assault Commander, Greyhounds,
R/o.plot No.16, LIC Colony, Srinagar Colony,Hyderabad.
4 J.N.John Wesley, Assault Commander, Greyhounds,
R/o.plot No.53, HMT Bearing officers Colony, Sainikpuri,
Hyderabad.
5 T.Taranath, Assault Commander, Greyhounds, Police officers

Mess.
6 G.Bikshapathy, Assault Commander, Greyhounds,
R/o.plot No.209, Surya Apartments,
J.P.Nagar, Yellareddiguda,Hyderabad.

7 B.Durga Prasada Rao, Assault Commander, Greyhounds, Police

officers Mess.
8 Sardar Moti Singh, Assault Commander, O/o. Inspector General

of police, Greyhounds, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ or direction more particularly one in the nature of "writ of ceritiorari" calling for the records connected with order in O.A.No. 10414/02 dt. 6-5-2004 on the file of the Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad and to quash the same as erroneous and contrary to law and pass such other orders as this Hon'le Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: The Government Pleader for Services- I

Counsel for the Respondents: MR.A.HANUMANTHA REDDY

The Court made the following Order:

THE HON'BLE SRI JUSTICE J.CHELAMESWAR

AND

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.12497 OF 2004

ORDER: (Per the Hon'ble Sri Justice Goda Raghuram)

The respondents herein were appointed as Assault Commanders in "Greyhounds" on promotion/transfer, from June 2000. The State Government created a specially trained elite Police Force in the month of June 1989 known as "Greyhounds" to deal with emergent situations arising out of anti-social activities of certain groups. The

Force was created by virtue of orders in G.O.Ms.No.320 Home (SC-A) Department, dated 12-06-1989. The incumbency of the Force was to be drawn from the Indian Police Service, Andhra Pradesh Police Service, Andhra Pradesh Police Subordinate Service and Andhra Pradesh Special Armed Police Service.

It is un-disputed that persons working in the “Greyhounds” are entitled to the benefits of special allowance and other special perks under G.O.Ms.No.195, Finance & Planning Department, dated 24-11-1999. As the respondents were not paid the allowances payable to them under the said G.O., they filed the O.A.10414 of 2002, on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad.

The petitioners, in their counter-affidavit before the Andhra Pradesh Administrative Tribunal, Hyderabad, contended that the job description of the respondents herein includes arduous duties like jungle operation, combing and search operation and that all the respondents herein had claimed that they were sick and suffering with various ailments and when asked to join the basic training and to attend the morning P.T., in the “Greyhounds”, they expressed their inability to attend due to health problems and submitted individual representations in this behalf. A summary of the reasons urged by each of the petitioners for refraining to undergo the training and morning P.T., has also been chronicled in para 9 of the counter-affidavit filed by the petitioners herein before the Tribunal. The ailments of the respondents herein, as set out in para 9 of the affidavit, includes diabetes, B.P., Knee pain, Leg fracture, bleeding piles, Gout and heart problem and the like.

It is however admitted by the petitioners herein that despite all these ailments and refusal of the respondents herein to attend either the training or the P.T. Programmes, they were continued in the “Greygounds” for over a period of two years. The Government was however, content with denying them the pay benefits under G.O.Ms.No.195. The Government has not bothered about continuance of such physically incapacitated persons in an elite force.

The Administrative Tribunal found that attending to the training programme or P.T. is not a condition precedent in G.O.Ms.No.195 for the respondents entitlement to the special pay and allowances. The special pay allowances under the said G.O. are to be paid to the Officers while serving in “Greyhounds”. As the respondents herein admittedly served in the “Greyhounds”, they were entitled to special pay and allowances for that period. The respondents were not repatriated even after they had

submitted representations setting out their ailments and their inability to attend the training and the P.T.

All these circumstances weighed with the Tribunal in allowing the O.A. We do not find any reason to interfere with the order impugned. The writ petition is fundamentally misconceived and is accordingly dismissed at the stage of admission.

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J.CHELAMESWAR,J

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GODA RAGHURAM,J

Dt:20-07-2004

Kdl

To

1 Two C.Cs. to the Government Pleader for Services – I, High

Court Buildings, Andhra Pradesh, Hyderabad, (OUT).

2 Two C.D. Copies.